LETTERS

OF

HON. JOHN FORSYTH, OF ALABAMA,

LATE MINISTER TO MEXICO,

TO WM. F. SAMFORD, ESQ.,

IN

DEFENCE OF STEPHEN A. DOUGLAS.

To Wm. F. Samford, Esq.

NEW YORK, *September 6*, 1859.

A friend has sent to me a copy of the Mobile Mercury containing your communication of the 22d ult., addressed to me, and marked No. 1. I thank you for the terms of high and unmerited compliment in which you are pleased to speak of my personal and public character; but I thank you more for the opportunity you have offered me of debating with you before our southern countrymen the paramount political question of the day.

Prompted by the honest enthusiasm of your nature, you have voluntarily entered the lists, with lance in rest, to do battle for your cause, and you have, before assembled Alabama, thrown your glove at my feet as your chosen and (as I feel) honored antagonist. I stoop to pick it up not only without hesitation, but joyfully. You are not more "eager for the fray" in defence of your views and opinions than I am. You are not more deeply grounded in the conviction that you are right than I am. You are not more courageous to defend the faith that is within you than I am. Cheerfully admitting with you a perfect equality in sincerity, duty, patriotism and conviction, I have one advantage over you, which no law of courtly chivalry requires me to yield up—the advantage of the better cause.

Mr. Samford, you are wrong, all wrong, on the question. I mean to prove it to you, and when I do—when I tear from your eyes the wire mask of misapprehension and prejudice, through which you "see darkly" a question that is as clear as light; when I show you that you are waging a hopeless war against that which the laws of Nature and the genius of Democracy have conspired to make inevitable; that you are doing the greatest injustice and are guilty of the blackest ingratitude to the bravest, the truest, and the noblest friend that has ever championed the cause of the South and of her constitutional rights—I know you well enough to believe that you will own your error and atone for it by the confession which manliness owes to truth.

Now, sir, you have challenged me and I accept the gage. I stand here in the arena before you, prepared to meet you at all points. You will pardon me if in the discussion I do not stop to cull the literary flowers of poetry and of prose to adorn and beautify my pathway. I mean to deal with masculine facts, arguments and principles, and wish to put you upon your best mettle in the series of your conception, in which you "solemnly protest against the doctrines" I am "now promulgating." I pray you to come up seriously to the work you have undertaken—let your treatment of it be exhaustive. Keep nothing back, so that the people of Alabama, who choose to read after us, may have the whole question before them and decide between us.

And now to meet the points of your No. 1. And first, that we may understand each other fairly, I ask: are you in favor of repealing the acts of Congress that falsely denounce the African slave-trade as piracy? I do not remember if you broke ground on this subject in your late canvass for Governor. Please inform me.

I have sufficiently indicated my opinions on this subject. I am in favor of a repeal of these laws, because I believe Congress never possessed the constitutional power to enact them, any more than it had to enact the Missouri Compromise. Judge Douglas is the author of the repeal of the latter, after it had stigmatized southern institutions on the statute books of the Government for more than thirty years, and he endorsed the judgment of the Supreme Court that it was passed in derogation of constitutional right and without constitutional authority. Upon the same great principle of non-intervention, I hold that Congress has no right to meddle with the subject of labor supply in any sovereign State. If German and Irish immigrant labor cannot be competently excluded by Congress from the free States, African immigration—the only kind adapted to our soil and climate—cannot be rightly excluded by Congressional act from the slave States. Judge Douglas is a man who stands his ground, and follows his principles to all their logical conclusions, be they safe and popular, or perilous and odious. As he feared not Chicago mobs and Boston burning in effigy when he defended his southern vote on the fugitive slave-bill, so he has not quailed before a torrent of obloquy and injustice from the South when called upon to stand by the spirit of the adjustment and compact legislation of Congress on the territorial question. I will trust such a man to do us justice, if, when he is President, this question shall come under his official cognizance. Alabama alone, and not the Federal Congress, has the right to determine for herself whether an increased supply of African labor is consistent with her interests, her happiness and her development; and should the case ever arise before that court which pronounced the Missouri Compromise unconstitutional, that tribunal will be false to its principles if it do not equally declare the anti-slave-trade laws equally unconstitutional.

And now you want to know of me what good the slave-trade would do us, if Judge Douglas' theory of slave exclusion by the territorial legislature and of "squatter sovereignty" does not prevail? Before answering your question categorically, allow me to answer it, Yankee fashion, with another. What good will any amount of territory open to southern settlers do us, if we have not the black population wherewith to colonize it?

But to be explicit. I deny that Douglas is any more in favor of "squatter sovereignty" than you are; and I deny that his "theory of slave exclusion" from the territories reaches to any case where there is even a chance for southern slave occupation and settlement. On this question Judge Douglas stands where Jefferson Davis did in his Maine speech; where Howell Cobb stood in his Westchester, Pa., speech; where Senator Butler, of S. C., Mason and Hunter, of Va., Toombs and Iverson, of Ga., Brown, of Miss., and the body of the southern Senators stood in the Senatorial debates which inaugurated and fixed the doctrine of non-intervention; and where James Buchanan stood in his letter of acceptance in 1856. He holds, as every statesman has held outside of the Black Republican ranks, that the Constitution of the United States neither establishes nor prohibits slavery in the territories beyond the power of the people of that territory, not as squatters, but as an organized political community, to control it. Look at this proposition as a test, and I defy you to gainsay it. Amend the Constitution so as to establish slavery in terms—pile your "slave codes" and protecting laws on top of one another, like Ossa on Pellion, and still the proposition holds good—the people of the territories can and will control the subject—and why? Simply because slave property will never go to a territory where the people do not want it, and if they do want it, then no protection from Congress is needed. The question resolves itself; nature and the irresistable will of popular sovereignty resolves it; and it is just as wise to quarrel with the frosts of northern regions, which freeze out the natural producer of our tropical staples, as to quarrel with that other decree of God which has drawn a climatic line between the domain of white and black labor. Never before have so much generous enthusiasm and patriotic energy been wasted on so sterile a subject. You are fighting a shadow and for a shadow. For, grant all your premises, build upon them all the practical legislation your ingenuity can devise, and what have you gained? Nothing—absolutely nothing of profit to the cause of southern slavery. You talk to me of Paul Jones and the Seraphis. You ask if it becomes the soldier of truth to calculate the chances of the war and to surrender in advance. What was it that immortalized the hero of that most determined and desperate of sea-fights? It was his cause. He was fighting for something. It was not the bloody decks, the mangled limbs, the dauntless courage which gave and took broad-sides from ships lashed together, and from guns muzzle to muzzle. Strip the battle of its glorious cause, and Jones would have been known in history as a madman and a brute. Shew that he was fighting for an abstraction and he would have come down to posterity as a fool as well as a madman. So too of the soldier of truth. He stops not to calculate any chances when truth and duty wave their banner; but he is no soldier of truth, if he risks his own life or the lives of his comrades for nothing, and on an issue in which victory would be fruitless and defeat disastrous. In this attitude, the judgment of mankind must presume those to stand, who, in the face of real and imminent danger, requiring southern arms and courage to meet it, are beating the air and distracting the South with a barren issue which is only less baseless than it is mischievous. What would

you think of a "soldier of truth," who, with a tangible, armed, flesh and blood foe in the field before him, should draw off his forces to make war upon a flock of sparrows? While you are exciting the combative spirit of the South to waste its energy and riches upon a conflict in which victory is but ashes and dead-sea fruit, there stand in stern array the Black Republican party, with their victorious eyes glaring upon the Federal Government, with its vast power for evil, its patronage, its purse, and its sword, its moral engineery and prestige. And what is it that must inspire their hopes? Sir, it is—pardon me—the madness of such "soldiers of truth" as Mr. Samford, whose talents and courage and arms are employed, not to marshal and compact, but to discourage and to enfeeble the only force that is capable of meeting them, and of frustrating their bold, bad designs. When I hear my old southern rights coadjutors clamoring for protection, where protection is impossible of attainment in form, and utterly useless, if obtained, in effect, I am constantly reminded of the hoarse cries of the Virginia army contractor bawling "beef! beef! beef!" while Patrick Henry was driving the wedge of his patriotic eloquence deep into the souls of his Virginia compatriots. Sir, our first duty is to meet and defeat the common enemy of our section, of our constitution and of our country; for if we lose that fight, all is lost. We shall not have the consolation of King Francis I, at Pavia, for our honor too will be lost. The "true soldier" will first guard the imminent points of danger; you propose to sacrifice the issue of the main battle to a skirmish upon an outpost. As a member of the Southern War Council assembled to decide upon the plan of a momentous campaign, I raise my voice to protest against the suicidal policy you are "promulgating," and "earnestly beg you to consider of its consequences." I see nothing but disgrace and disaster in such a course. I am opposed to burning pyrotechnic powder and beating Chinese gongs, when battle is to be given to and victory to be won from a real foe. My counsel is, "let us march against Philip!" We must conquer that Philip or there is no ghost of a chance for your territorial abstractions.

And now, Mr. Samford, I have fairly met, and, I think, disposed of the arguments of your No. 1. One point remains. You insinuate the charge of "squatter sovereignty" against Stephen A. Douglas. I take issue with you on its justice, and, according to the rules of logical debate, I call on you to sustain it. When you have essayed to do so, I will undertake to prove that it rests upon no better foundation than the breath of prejudicial clamor: and if true of him, it is also true of every southern statesman the South has ever trusted.

I am, with the highest esteem and regard, your friend and fellow-citizen,

JOHN FORSYTH.

To Wm. F. Samford, Esq.

NEW YORK, *September* 13, 1859.

Your No. 2 is before me. You do not understand me. I do "espouse the cause of Judge Douglas upon his own merits." I hold him, and have held him for twelve years past, to be the fittest of our public men to do honor to the whole country, and give weight and strength to the cause of the South in the Presidential office. Years ago, when I first knew him, after passing an evening with him in company with a small party of gentlemen, I remarked, on retiring, "Judge Douglas is the best State Rights man I have ever met." That opinion has hardened into conviction. I do not approve his "territorial theory," just as I would not approve of any other inevitable thing that I do not like; but his theory contains a stern and irrefutable fact. It is in vain to "kick against the pricks." Constitution, Congress, the Supreme Court, and Mr. Samford to the contrary, the people of a Territory *have* the absolute *power* to control its domestic institutions—there is no help for it, and there is an end of it. I do "hold it to be true, as an abstract proposition, that the South is entitled to protection for her property by the Federal Government in the common Territories." The Constitution gives the owner of the slave the right freely to enter them—Douglas freely admits this—and the Supreme Court of the United States has so decided. Make a case of abuse of this right by the local authorities, and there are the Federal courts for the slave owner to appeal to, already committed in the Dred Scott case to sustain him, and there is the power of the Federal Executive to enforce its decisions. You will say, the Federal courts cannot act with laws of Congress. I deny it. Suppose the local legislature puts an "unfriendly" tax upon slaves, with a view to their exclusion. The owner has only to refuse to pay, and a case is at once made up for the decision of the Supreme Court in the last resort. If the complaint is that the territorial legislature, by non-action, refuses to protect slavery, there is no remedy for it, for I do not see by what sanctions or processes of compulsion, legislation anywhere can be forced. If, finally, you aver then that it is the duty of Congress to enact protecting laws, I meet you with three replies, either of which is sufficient, and all of which are unanswerable. First, you cannot get such legislation. Second, if you got it, it would do you no good. Third, the North and South have solemnly agreed, for the sake of the peace of a distracted coun-

try, agitated and torn for a quarter of a century by an interminable and vexatious dispute, that Congress shall not interfere in this matter *pro or con*, but in the language of Buchanan's letter of acceptance, "that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits." "Very well," you will say; "then, if we have rights by the Constitution which we are denied, we ought not to live under such a Government." I reply, it is not the Constitution, nor the Government, nor the North, nor Judge Douglas, that denies you this right, if that can be called a right which exists as a speculative value only in the brains of abstraction. You are denied this right by the eternal laws of circumstance, which forbid your enjoyment of it under any possible contingency of human action. You are simply asking for an impossibility, and you cry as the child in the nurse's arms does for the pretty moon, because it can't get it. You cannot carry slavery in safety to a Territory where either the climate or the people are "unfriendly" to it—not that you haven't the right to do it, but because it is a right which you will not undertake to enjoy, because your common sense and your property sense tells you it cannot be enjoyed.

But, to come to your *ultimatum*; for your inability to grasp this bit of moonshine you will go out of the Union! break up the Government! Well, sir, you will find a larger majority against you in such a proposition in Alabama than you did a few weeks ago, when, without the backing of that "party" at which you sneer, you sought to be elected Governor of the Commonwealth on the naked strength of your political theories. Sir, the Union cannot be dissolved on such an issue, and the sin of your course, and that of those who with you are agitating this fireband of abstraction in the Democratic ranks on the eve of a vital conflict with the combined hosts of Black Republicanism, is, that in the pursuit of a fallacious hope and an impossible dream, you are paving the way for the defeat of the South; for bringing it to the footstool of an Abolition President, and for draining a deeper cup of humiliation and disgrace than it has yet touched with its lips. I charge that you are no friend of the South in the counsels you give it—I arraign not your sound heart, but your hot head—I charge that you advise it to risk its controlling influence in the Government and disastrous defeat in the forthcoming battle with the Lucifer of fanaticism and his devilish array of Black Republicans. I charge that you propose to break up the Democratic party and sweep from existence the only obstacle that stands between the Constitution and the Federal ravisher—to give over the Government to centralism, to protective tariffs, to the bottomless abyss of expenditure for internal improvements, to the upheaving and toppling down the mighty structure of Democratic policy which Jefferson founded, and Madison, Jackson, Polk, and Pierce have built upon, to the subversion of the form and the spirit of State Rights as vital elements in our Federative system, to the undoing of all that Democratic statesmen have tired and toiled for three quarters of century. And for what? For a vague theory of constitutional right as devoid of value, form, and substance, as the "baseless fabric of a vision." Your policy in this great crisis of a final struggle between the South and its foes is mad and suicidal in the last degree. It is to risk everything for nothing. It is to annihilate the only living power that can defend us, and to consummate a ruin of southern hopes and prospects, under which your own favorite abstraction of "protection" will be the first and deepest buried. Do you expect to obtain congressional protection for slavery in the Territories, by electing Wm. H. Seward President? Your counsel and your policy tend directly to this end. You are working for him with a power and effect superior to all the vast political enginery which he has set in motion in the North. While he is augmenting and concentrating his attacking forces, you are doing him "yeoman's service" in dividing and distracting the army of his enemies. I demand to know what you mean by this. I call upon you to tell the people of Alabama what good you propose to them by preaching dissension in the ranks of their defenders, and leading them into a pitfall where they will be at the mercy of their enemies. Is this the path that leads to that "protection" for which you are so clamorous? Does it not rather lead to defeat, political decrepitude, and hopeless southern ruin?

You appeal to my part in the glorious struggle of 1850–'51, and invoke its memories to lure me to the standard of southern suicide which you have unfolded in 1859. You sneer at my devotion to a "party compact." Sir, I have learned wisdom from the experience of the struggle and the era to which you allude. The South clung to the Union in 1850–'51, when a real and a living issue invited it to resistance. The sovereign State of Georgia, to which I owed my allegiance, resolved, over my head and against my best energies, to accept and abide by the compromise of that year. The basis of that compromise, its soul and informing principle, was the very doctrine of "non-intervention," for defending which Stephen A. Douglas is at this day impaled on your and kindred pens, and sought to be remitted to a political Calvary. This was not a "party compact." It was the solemn act of the sovereign people of every slaveholding State. I bowed to the will of my State and people, and I learned from its emphatic and authorative expression that you are wasting now your genius and your enthusiasm in calling upon the people of the South to fight that battle over again, where nothing remains of its issue but a mere gossa-

mer abstraction. I warn you, Mr. Samford, that you are doing worse than wasting your time. You cannot cry down the moon from the bright skies. Your abstraction is forever beyond your reach. But you may do untold harm by drawing off strong arms and stout hearts to join in your star-gazing, while a tangible and earthly foe of the Constitution and the South, mobilized and in battle array, appeals to every patriotic southern heart to come to their defence.

You ask how can the principle of territorial protection be an abstraction, when we "lost California and Kansas as slave States for want of protection," and with "New Mexico, Arizonia, North Kansas, Western Texas, Mexico, and South America before us?" I deny the proposition embodied in your query. We lost California and Kansas by the superior capacities of the North to colonize new Territories. They beat us in the arithmetical race, because they had the numbers. A thousand "protection" laws would not and could not have altered the case. If we had the slaves to spare from southern plantations, and the countries named had been adapted to slave labor, we should have made them slave States without protection. Not having them, we could not do it, with or without protection. Did we lose New Mexico? The legislature of that Territory has enacted stringent laws of slave protection. Was that accomplished by the instrumentality of a congressional act? Then, it seems, the thing can be done without the aid of Congress. If in one case, why not in another? What stronger illustration of the great fact on which I rest this discussion, that the whole question of settlement and the formation of institutions for new American political communities and embryo and inchoate States, is immovably within the power and control of the people of these communities, and that there is no energy short of the bayonet and subjugation to alter it. I have already answered your African slave-trade view of the question. You wander to the realms of imagination when you speak of Judge Douglas with his "squatter army" meeting the slave "at the borders of our new Territories," and "organizing a territorial legislature to abolish the institution." Will you tell me whether Judge Douglas was present on the borders of New Mexico with his "squatter army" when that Territory proclaimed and protected slavery? On the contrary, he has just repeated in his Cincinnati speech, what he has said always, that the people of New Mexico had a right to make their laws, and when, next winter, Seward rises in his place to move their repeal, Douglas will speak, vote, and fight against it. His non-intervention extends to Black Republican intermeddling; it was made to stay and tie their busy and evil hands; it was broached as the antagonist proposition to the Wilmot proviso; it was called into being for the use and benefit of the South; and yet the great champion of the doctrine is now thought only good enough to be hanged and quartered by such gallant, just, and generous southern men as Mr. Samford.

You could not, of course, get through a number of your series, without bringing in the "squatter sovereignty" myth. Aware that you could not sustain the charge of "squatter sovereignty" pure and simple, against Judge Douglas, you proceed to define as "squatterism" that which is not; thus fitting the offence to your accused, instead of bringing him within the legal definition of the offence. Very well; go a step further; break down the dividing line betwixt "squatterism" and the authorized popular sovereignty of a political community, and there is nothing to prevent you from making another *pas en avant*, and pronouncing the people of Ohio and Illinois "squatters," because they prefer their own institutions to ours. But whatever the definition may be, the result is the same, and you do not like it. Neither do I; but I cannot help it. Judge Douglas does not say that "unfriendly legislation" or "non-action" is right. He says, "as a Senator I have nothing to do with it; it is a judiciary question. We have in Congress agreed not to interfere in the matter; it is the only possible peaceable solution of a dangerous question, and besides it is in harmony with the principles of popular rights and Republicanism which lie at the foundation of our Government. Hands off, *both* sides, and let the Territories fight it out among themselves." Now, I subscribe to every word of this verbal embodiment of Douglas' position, and I hold it to be the very best and safest position which the South can occupy. It gives us all we could possibly get if we had unlimited power over congressional legislation. Yet Mr. Samford thinks this is "stark Wilmotism!" Well, who and what was Wilmot? He was a man who claimed the sovereign power of Congress over the question of slavery in the Territories, and he moved in his Proviso forever to exclude it therefrom. He was an *interventionist*. Douglas was the first man on the floor of Congress to denounce the Wilmot Proviso, and he did it, like the brave man that he is, when the whole body of the northern members quailed before the infernal machine which Wilmot had just tossed into the congressional arena. Even James Buchanan and Daniel S. Dickinson were awed into silence by this expected explosion. It was then (in 1847) that our own M'Connell, from Alabama, rose in his place in the House of Representatives, and asked, "is there one man in this House from the free States who dares rise in his place and oppose this measure?" Stephen A. Douglas immediately responded to the query, and denounced it with all his eloquence and energy. Well, Douglas was a "non-interventionist" at that moment, and Wilmot and the North were for intervention. Douglas stands to-day where he stood then, and I am opposed to congressional sovereignty to-day as I

was then as rank Abolition doctrine. You, Mr. Samford, are now for congressional "intervention;" (you gentlemen, I know, don't like the term, and you sometimes call it "interference," but it is all the same;) and so is Wilmot and the whole body of the Republicans. I ask, who is nighest to "Wilmotism," Judge Douglas, or Mr. Samford?

You propose to show me in another number, that I have not understood the doctrines which have been settled and discussed through the past ten years, and that I am ignorant of the principles of the Kansas-Nebraska legislation and the Democratic platform of 1856, and that "neither Mr. Calhoun nor the South have ever accepted or acted on such 'non-intervention' as he (Douglas) insists on." On the first point I shall be glad to be enlightened and instructed by you. On the last, I am sure you will succeed, to your own satisfaction at least, if you persist in viewing Judge Douglas with a prejudiced eye, and in ascribing to him opinions (in a belief, no doubt honestly entertained,) which he does not hold.

Your friend and fellow-citizen,

JOHN FORSYTH.

To Wm. F. Samford, Esq.

MOBILE, *September* 24, 1859.

I address you my third communication upon Alabama soil, and find numbers three, four, five, six, and seven of your series awaiting my attention. I have read you with care, freely acknowledge the ability with which you handle your argument, and accord to you the meed of a perfect sincerity and true patriotism. I admit, too, the difficulty and subtlety of the question in debate. But I am more firm than ever in the conviction that you are laboring with mistaken zeal and misapplied energy. Your efforts can bear no fruits of honor or profit to the South. The measure of your success will be the measure of southern humiliation and injury. I must bring you back from the wide range of discussion in which your active intellect has indulged itself to the few, salient, and main points of this question. The people of the South are called upon to decide—what? Simply this: Which is better for the South, intervention or non-intervention by Congress on the subject of slavery in the Territories? This is the first proposition. The second follows: Is not the South pledged to accept and abide by non-intervention? I hold that the non-intervention doctrine is the only safe one for the South, and that our faith is solemnly pledged to stand by it. Where interest and honor go hand in hand, can there be doubt as to the course of action? You will reply that you too are in favor of non-intervention, because you know that the Wilmot Proviso and congressional sovereignty on the slavery question in the Territories spring direct from the loins of the contrary doctrine. You must pardon me if I find it due to my cause to hold you strictly to your positions, and to fix upon you the logical consequences. I cannot allow you to take the benefits of both sides in the argument, and to attack me and defend yourself from the antagonistic points of intervention and non-intervention, as the exigency of debate may serve you. Stand your ground and keep off mine. Thus only can there be a fair combat between the two principles which we maintain. To make my meaning plain: in your No. 2, you say "We (that is you and those who agree with you,) did not understand non-intervention to be that which Judge Douglas now interprets it."

Well, Mr. Samford, what *did* you understand by the doctrine when it was broached eleven years ago in the Clayton Compromise, and as it has been presented and elaborated over and over again in all the legislation of 1850, 1854, and 1856? Non-intervention is something or it is nothing—what is it? It is a simple and not a compound proposition—it is a simple and not a complex idea. There is nothing subtle or intangible in it. It is tersely stated in the first resolution of the Cincinnati convention of 1856, as "*non-intervention by Congress* with slavery in State, Territory, or in the District of Columbia."

It is more emphatically expressed in Mr. Buchanan's letter of acceptance, where he says, "This legislation is founded upon principles *as ancient as free government itself*," (shades of the Douglas Harper essay,) and in accordance with them has simply declared that the people of a *Territory* like those of a *State, shall decide for themselves whether slavery shall or shall not exist within their limits.*" I am aware that Mr. Buchanan was called on by some southerners to explain what he meant by this: and he replied that he meant that the people of the Territory had this right when they came to form a State constitution. But the inquiry now is, not what dodges Mr. Buchanan saw fit to make as a Presidential candidate, but what we are after is, to find out what was meant by and understood by non intervention at the time it was adopted as a principle for settling the slavery dispute. Now, that Mr. Buchanan understood it as he expressed it in the letter I have quoted from, and not as he explained it when called on afterwards, is made perfectly manifest from the subsequent part of his letter; for there he goes on to asseverate

"that no individual or party professing devotion to popular government can controvert this principle," and "that any other principle would prove vain and illusory in practice in regard to the Territories." And he proves it by adverting to the fact that, "after a Territory shall have entered the Union and become a State, no constitutional power would then exist which could prevent it from abolishing or establishing slavery, as the case may be, according to its sovereign will and pleasure." Precisely the same line of argument was used by Howell Cobb, in Pennsylvania, during the canvass of 1856. His attention being called on the stump to the same point as to the time when the people of the Territory had the power to decide over the slavery question, he answered that it made no difference. "I will show you," said he, "*that it is the purest abstraction in a practical point of view that was ever exposed for political discussion.*" And he *did* show it. I was of his opinion then and am now. Yet, now, Mr. Cobb and Mr. Buchanan are denouncing Douglas' "squatter sovereignty," for holding the self-same doctrine. At the proper time I will give you Cobb's arguments entire—it was just the one that I am making to you in this correspondence, but better put than I can do it.

To return from this necessary digression, I have given you recorded official authority, to show what was the generally received interpretation of the doctrine of non-intervention at the time of its adoption; before I have done with you I mean to show that all our leading statesmen are committed to the same interpretation; not only the "Union-savers" of 1850, like Cobb, Foote, and Clemens, but the reddest of the fire-eaters, like Davis, Brown, and our own Senator Clay. But you did not so understand it. Your idea of the bargain was that Congress was *not* to intervene to "prohibit" slavery under any circumstances, nor yet to "establish" it *directly*, but that at a proper, furtive, and convenient time, it was to interfere and establish it *indirectly*. Now, if this was the bargain, somebody was to be cheated in it. It was saying to the North what the white man said to the Indian, when they came to divide the spoils of their joint chase, which was a turkey and a turkey-buzzard. White man—"You take the buzzard and I'll take the turkey, or I'll take the turkey and you take the buzzard." Indian—"You never say to me turkey once."

Now, Mr. Samford, when, as a southern man, I accepted non-intervention as the principle of adjustment, I did it in good faith. I did not intend to humbug the other contracting party then, and will not be responsible now for any such fraudulent interpretation of the compact. But you will deny that I have fairly stated your interpretation of the compact. I will prove to you that I do; that if it was, what you now say it is, the North was swindled in the trade. And to this point. You aver that the agreement was that Congress should neither abolish nor establish slavery in the Territories, and you explain that by slavery is meant the "institution of slavery;" very well so far. But you add, that by this it was never intended to release Congress from the obligation to "protect slave property" in the Territories. Well, sir, your exception swallows up the main proposition; your proviso kills the body of the act of agreement. How so, do you ask? Why, sir, a Congressional "slave code" for the Territories, or acts of Congress for the "protection of slavery" in the Territories, are measures of Congressional establishment of slavery in a Territory, as full, perfect, and complete as could be devised by any other form of Congressional legislation. It is to all intents and purposes absolute intervention. It violates the bargain not to "interfere," and it violates the agreement to leave the whole subject to the people of the Territories to decide it for themselves, as the parties most interested in it, and to whom it properly belonged.

You now understand why I wish you to keep to one side of the question, and not fight me from the opposing batteries of intervention and non-intervention. If it was not fair to lay this man-trap for the northern Democracy in Congress when we made this bargain with them, it cannot be fair to try to hold me in it. The dodge has failed with the North. Judge Douglas has declined to put his foot into it, even at the Presidential bidding, and the Democracy of the North and West are at his back. I agreed to non-intervention, and I stand to it now. When the truth penetrates the thick mists of prejudice and misrepresentation, exhaled from the hot-beds of political rancor and rivalry, which have made the great Illinois Senator and his position so unjustly odious at the South, the people will agree with me, and pronounce him brave and true, and the most misjudged and slandered of American statesmen. In my next, I will undertake to show that non intervention and popular sovereignty are not only the best, but the only safe doctrines for the South; and if it be true that Judge Douglas is the author of these doctrines in reference to the Territories, he has conferred upon the South the boon of a great benefactor—he has given the South a ray of light and hope when all was dark before; he has built us a bridge as the only means of escape from the slough of despair—from that *Congressional sovereignty* in which all our chances of Territorial expansion were for all time in this Union perpetually engulphed.

Your friend and fellow-citizen,

JOHN FORSYTH.

To Wm. F. Samford, Esq.

MOBILE, *September*, 28, 1859.

The domestic institutions of an American Territory, including slavery, must be determined by one of two authorities—the authority of Congress, or the authority of the people inhabiting them. From the earliest history of the Government, Congress has exercised this authority despotically, and without questioning of the right from any quarter. The precedent was established by the Congress of the Confederation, and was adopted and ratified by the Congress of the Constitution. The Territories were governed as "property," and no statesman, North or South, ever denied that it had the right to make *all* the needful "regulations" for their government, according to its sovereign will and pleasure. No public man seemed to have dreamed that the people of the Territories had any more rights than "dumb driven cattle;" and whenever the feeble cry of oppression came up from the people, it was unhesitatingly and ruthlessly hushed and crushed under the despotic heel of congressional sovereignty. So runs the uniform current of our history, from the date of the *ordinance* of 1787, to the years 1849–'50, when a new and opposing principle took root in the legislature of the Union. A glance at congressional history on this subject will be useful, and from it we learn that from the beginning, Congress has claimed and exercised the absolute right to exclude, abolish and prohibit, or to permit and tolerate slavery in the Territories by the United States, according to its unchecked and undisputed will or caprice. First, by the ordinance of 1787, slavery was forbidden by the Congress of the Confederation in the vast domain ceded by Virginia to the Union, and known as the Northwest Territory. This was the first successful legislative attempt to *restrict* slavery. Three years previously, in 1784, Mr. Jefferson had matured a plan for it, but it failed. The rendition of fugitive slaves was an element in the ordinance of 1787, and that secured its unanimous support by the Southern Delegates.

Within a month after the date of this celebrated ordinance, South Carolina ceded to the United States all her title to territory within the limits of her charter, lying between her western boundary and the Mississippi river, tacitly accepting the conditions of restriction contained in that ordinance.

In 1790, North Carolina ceded to Congress her "Territory south of the Ohio," (afterwards admitted as the State of Tennessee,) and she adopted all the provisions of the great ordinance except the sixth article. That was the article restricting slavery—Congress accepted the Territory on the condition and slavery was accordingly permitted in it by Congress. The next accession of public domain was derived from Georgia. In 1802, she ceded to Congress her possessions west of Chattahoochee. This was the "Mississippi Territory." Georgia stipulated in the grant that the sixth section of the ordinance of 1787 should be excepted in the government of this Territory. Congress consented, and in pursuance of the contract waived its acknowledged right to prohibit slavery there. It proclaimed that right, however, in the very act of establishing the government for the Territory, in the seventh section of which it forbade the importation of slaves from foreign countries into that Territory; and this, although by the Constitution it was prohibited from passing any such law for the States until 1808.

Then came the vast domain acquired from France by treaty in 1803. In administering that Territory, Congress followed its usages and proceeded to govern it by virtue of the plenary powers with which it supposed itself to be possessed. Jefferson, John Taylor of Carolina, John Randolph, who took part in the debates of the day, uttered no doubt that the "Louisiana purchase," although acquired by treaty, was to be governed, territorially, just as all former Territories had been governed. Congress took possession of the purchase in 1804, and in that year, by law, erected two municipal communities—"the Territory of Orleans" and "the District of Louisiana"—the latter embracing Arkansas and Missouri. The latter was by a stroke of Congressional sovereignty, appended to the jurisdiction of "Indiana Territory," over which the slavery restricting ordinance of 1787 prevailed. By the organic act, importation of slaves from abroad was made highly penal—its domestic *status* was left undisputed. Eight years rolled round and "Missouri Territory" was erected out of the Louisiana purchase. In the second session of the fifth Congress the celebrated "Missouri question" arose, and it agitated Congress and the country during three sessions. It arose upon the attempt of the House of Representatives to insist on the prohibition of slavery in Missouri, as a condition to her admission into the Union. At this time Mr. Monroe was President; Calhoun and Crawford were in the Cabinet, while Pinckney, Lowndes, Barbour, Clay, Louis McLane and John Tyler were in the legislative councils. The attempt at restriction was resisted on the ground that Missouri stood before Congress in the attitude of a *State*—but one southern statesman (John Tyler) undertaking to deny that Congress possessed plenary power to prohibit slavery in a *Territory*. This great dispute was settled by a "compromise," and in that compromise the power of Congress in question was distinctly recognized, and slavery was prohibited North of an arbitrary geographical line. It was adopted in the Senate by a vote of thirty-four to ten, and in the House by one hundred and thirty-four to forty-two. That

Congressional restriction stood on the statute-books of the Union thirty-five years, and so stood recognized Congressional sovereignty until after the war with Mexico, when the question of the government of the Territories acquired by it presented itself to the nation, and especially to the South, in a new and momentous aspect.

Before it came up, the South had lost its political equilibrium in the Union. A free-state majority, inexorable in its opposition to the expansion of slavery, had grown up in Congress. These facts, coupled with the other great historical fact I have just proved, that Congressional supremacy over the Territories was the law of governmental policy on that subject, were staring southern statesmen in the face. What was to be done? The law of custom and of undoubted precedent was against the South, and the power to enforce the law was in the hands of the North. What was to be done? To stand still, to do nothing, was to lose all, and the whole territory won by common blood and treasure, was to inure to the benefit of free-labor, to the exclusion of the South. What was to be done? But one thing, and it *was* done. It was to break the sceptre of *Congressional sovereignty* and to transfer the destinies of the Territories to the arbitrament of a new and hitherto ignored power, the power of the people whose fate was to be involved in the issue. I never shall forget how this idea, when first shadowed forth in the Clayton compromise, struck me as an inspiration. It flashed upon the dark and angry night of hopeless dissension in which the country was pulled, like a gleam of hope from a heaven of peace; it opened the way of adjustment in a problem, which before seemed as though it could find its only solution in civil war. It came to me, just as the thought of the Independent Treasury came, as the "open Sesame!" out of the inextricable fiscal complications of the Government with the National and State Banks and their redundant and vicious paper-money systems. From the beginning I have always viewed with favor the leading thought of the Clayton compromise, and in my bitterest opposition to the "Omnibus" compromise of 1850, I cannot remember ever to have assailed this principle. I took it as a bow of promise in a troubled sky; as the solitary star of hope for the Southern statesman's guidance.

It came as a reprieve either from submission to entire and dishonoring exclusion from the common empire won by our valor, or blood and civil strife to maintain our right of equal participation. So the South viewed it, and so it took the plan proposed to it. Georgia, Alabama and Mississippi voted at the polls to accept the adjustment. You and I opposed it on other grounds, but our "Sovereign," the State of Georgia, commanded us to submit. Well, sir, this new and antagonistic principle to that of Congressional supremacy was that which informed and vivified all the subsequent legislation by Congress in 1850, 1854, 1856 and 1859. Douglas became its champion. He undertook the difficult task of bringing the North to consent to it. He went forth upon northern soil as the champion of the South, to preach the new-born political principle of Popular Sovereignty in the Territories, and he was greeted with the cry of "Traitor to the North." His mission was to induce the North to relinquish the absolute power it held over the question according to all Congressional precedent, and the previous Constitutional interpretation to relinquish it for the sake of peace, of fairness and of justice. He was assailed and reviled everywhere by Black Republicanism, but he carried the hearts of the Northern Democracy. He won the victory by his courage and his ability, and the whole South exclaimed: "Well done, gallant Senator from Illinois! You have deserved well of your country, and our gratitude is your due!"

I have now reached a period in the history of this question, which I cannot, as a southern man, contemplate without a deep sense of humiliation and shame. I behold here an example of contempt of plighted faith, of ingratitude for the greatest services, for risks nobly run, and sacrifices freely made, of vacillating inconstancies where the vital interests of a great people demanded fidelity and steadiness, and of a mental hallucination that to escape an imaginary danger is rushing the South to the loss and ruin of all its future prospects of expansion. I reserve the painful narrative for another number, only remarking now that I thank God that so far there is no evidence to show that the people share the folly and madness which have seized upon their political leaders.

Your friend and fellow-citizen,

JOHN FORSYTH.

To Wm. F. Samford, Esq.

MOBILE, *October 5th*, 1859,

I have shown that up to the period when, by the adoption of your principle of non-intervention and the repeal of the Missouri restriction, a radical change was made in the policy of the Government in reference to the Territories, and by that change the plenary power of Congress over the territories was abdicated and proscribed, the great Illinois Senator

was esteemed the fast friend of the South, and well deserving its confidence and admiration. I propose to inquire, now, what he has since said or done to forfeit its good opinion, or to earn the flood of bitter contumely that is poured upon his devoted head.

I claim that I approach this inquiry under circumstances peculiarly favorable to calm consideration and unbiased conclusions. During the angry and exciting discussions of the Lecompton question, out of which grew Southern hostility to non-intervention and Douglas, it was my lot to be in a distant, foreign country, Withdrawn from the theatre of combat, and my mind absorbed by a totally distinct class of my country's interests, I took no part in the Lecompton quarrel between Mr. Buchanan and Judge Douglas, and came home to view and judge of the merits of that dispute with a mind unclouded by its resentments, and with the advantage of a *reconnoissance* of the field of battle after its smoke and dust had lifted, and the test of time had been applied to its results. When, in the autumn of 1856, I sailed from this port, I left Judge Douglas the most popular northern statesman in the South. When I returned, in the fall of 1858, he was the best abused man in it. As the editor of a political journal, as a Democrat, and as the—long before that period—friend of Douglas, it became my first duty to inform myself as to the causes of this change in public sentiment, and satisfy myself as to its justice. The whole winter was given to the investigation, with the single desire to reach the truth. The result was the firm conviction fixed on my mind, and rendered more firm by every day's subsequent reflection, that the revolution in public sentiment against the Illinois Senator was not caused by *his* change from the position in which I left him, but by the change of southern politicians. I left Douglas planted on the doctrine of absolute non-intervention by Congress with slavery in State or territory. I found him there on my return. I left the southern statesman standing by his side, but on my return I found them separated from him and claiming that "intervention" indirectly and for their purposes, which they repudiated, and had in 1854 and 1856 proscribed, directly and for other purposes. I saw Douglas then, as in 1854, insisting that the slavery agitation had been fairly excluded from Congress by a legislative covenant between the North and the South, and protesting against dragging it back, to the disturbance of the public peace, under any specious pretences; and to my amazement, I saw southern men furiously demanding the reinstallation of Congressional arbitrament, when they knew that tribunal was hopelessly against us, and madly rushing back into the jaws of Congressional sovereignty and intervention, from which the South had been almost miraculously delivered by the legislation of 1854.

In my investigation the Lecompton issue had to be examined, and here I came to conclusions adverse to those of the leading southern men then in public life. While believing that they ought not to have fought upon the issue which Mr. Buchanan most unwisely forced upon the Democratic party, I do not arraign their motives, nor do I aver that, had I been an actor in the exciting scene, my own southern feelings would not have drawn me into the error. I only thank God that I was saved by my remote position from the temptation to commit that error. With you I have no dispute on this point. Both your friend and favorite, Gov. Wise and yourself, were against the Lecompton folly, and in your own words "I clung to him (Douglas) and defended him all through his campaign in Illinois, when he was howled down by the Administration and denounced here in the South." Gov. Wise's son, after the triumph of Douglas in Illinois, in the Virginia Democratic Convention proposed resolutions congratulating the Democracy of the Union on his splendid victory. All this was after Douglas' Freeport speech, in which the Douglas territorial theory was put forth in its most objectionable form to the South. For these reasons I wonder of why Gov. Wise and yourself have abandoned Douglas. What has he said or done since that period that he had not said and done before?

The Lecompton affair was a juggle and a farce. The Constitution by that name came to Congress, the most atrocious and bare-faced emanation of "Squatter Sovereignty" that has ever been presented to the public eye. It is not pretended that Kansas at that time had a population of over 25,000, while the representative apportionment is 93,000. It is not pretended that more than 6,000 votes were polled for that constitution, while its opponents contended that if purged of fraudulent ballots, not more than 2,000 cast their suffrages for it. Why did the South permit the Administration to commit it to this "squatter sovereignty" constitution, and establish a precedent by which, hereafter, 2,000 Beecher rifle and free State emigrants could in all time to come seize upon and make free States out of any of the unoccupied territories of the Union? They did it because it was a pro-slavery constitution. Those who devised the scheme made it so to wheedle southern votes into its support, carrying along with it the most enormous plan of land, bank, and railroad corruption which this country ever saw. It is now known that a large majority of the people of Kansas were opposed to that constitution, and there is every reason to believe that if Kansas had come in under it, the very authors of it would have seized the earliest opportunity of State sovereignty to change the constitution and prohibit slavery. Senator Hammond well said to the people of South Carolina, after the scene was ended that the scheme was "steeped in fraud, outrage and blood, and that southern men would have done well to have kick it out of Congress."

Well, sir, what was the course and the crime of Judge Douglas? He opposed it because it violated the great principle of the Kansas-Nebraska legislation of which he was the author and champion. The President begged him to sustain it, and appealed to his friendship and Democracy. He replied, there is no question of friendship here—appeals are out of place where honor and duty prescribe a different course. He said he was pledged to the country, and especially to the people of Illinois, on a thousand stumps, to stand by the principle of adjustment, that the people should fairly settle this question for themselves—that this constitution violated that principle, and come what would, he would oppose it. His only crime was, that, like Virginius, he would not stand by and see the daughter of his patroitic brain ravished before his eyes by the Tarquins of the hour. It was a brave, bold act, worthy of the best Roman examples of moral heroism, that, *for duty*, he defied the threats of an Administration then flushed with recent victory, and which had just begun its life with the full tide of Democratic popularity, and braved that always fearful danger to a public man, a separation from the body of his party on a leading and absorbing question. And now what remains? You and those who think with you declare that he has abandoned or amplified the platform of non-intervention, to which it is agreed we are all pledged. The Administration, with new born southern zeal, miraculously breathed into its skeleton ribs of pre-Union superstition, charges him with "squatter sovereignty!" The Administration, with Mr. Buchanan at its head, who never felt the glow of a friendly feeling for any living Southern Rights Democrat—with Gen. Cass for its Premier, the first and only propounder of the "squatter" doctrine—with Howell Cobb, who deserted you and I and the South on a vital issue in 1850, and who has *since* publicly declared that the very point in the present controversy was the "purest abstraction that had ever entered into political discussion"—with Jacob Thompson, whose southernism never yet set the pine forests of Mississippi in a blaze—with Judge Black, a Hunker confederate of Mr. Buchanan in all his prejudices against southern fire-eaters—this Administration, so constituted, organized and based upon the principle of ignoring the southern Democracy, sets itself up as the champion of the South against a man whose life has been illumined and illustrated by unflinching devotion to State Rights, and by a career of splendid victories on northen soil over the enemies of the South. "*Timeo Danaos et dona ferentes.*" If I distrust the Buchanan "Trojan horse." I am bound to admit that there was no reserve in the blows which the armed men in its belly dealt when it entered the Illinois campaign. There they fought by Lincoln's side on the Abolition dogma of the "irrepressible conflict" and against Douglas and the Democracy who were waving the banner of the State and southern Rights. It was the fortune and the glory of Douglas to beat the Government, allied with Abolitionism, and the South rejoiced in his victory. Who else opposes Douglas? You, my friend, as I honestly believe, from a mistaken view of the character of the man, and because your warm and generous sympathies are enlisted in favor of a gallant and brilliant son of the South. I hope yet that the scales of prejudice will fall from your eyes. When they do, I know you have the courage and the manliness to admit the truth.

Others at the South oppose him, who voted by his side throughout the struggles which resulted in southern deliverance from Congressional sovereignty, and who are pledged to their eyebrows to the doctrine of non-intervention.

In another number I shall prove these pledges from the record, and then I shall tell you who and what Stephen A. Douglas is, and what he has done, dared and suffered in the cause of State Rights, slavery and the South.

Your friend and fellow-citizen,

JOHN FORSYTH.

To Wm. F. Samford, Esq.

MOBILE, *October* 6, 1859.

I pause in the course of argument I had proposed to myself in this number to pay my respects to your No. 8, in this morning's "Mercury." I am constantly surprised at the perversity and onesidedness of view of this question, exhibited by those who maintain this controversy from your stand point. You will insist upon it that slavery prohibition in the Territories is the end and aim of non-intervention as defended by the Illinois Senator and the northern Democracy—that exclusion is the Shiboleth of his doctrine and policy. This is unjust and unfair. Judge Douglas is opposed to Congressional intervention, whether the people of a Territory want slavery or do not want it—whether they "protect" it by municipal legislation, or discourage it by "non-action" or "unfriendly legislation." In either event his maxim is "hands off" by Congress. Slavery has been "protected" by municipal regulations in New Mexico, and Judge Douglas has declared

to the world that New Mexico had a right to do this, and has pledged himself in advance to resist the attempt which the Black Republicans will surely make next winter to invoke Congressional "intervention" to repeal those laws. Why not do justice in this matter? Why present one half of the case to the people of the South, who are the judges of our polemics, and who are so deeply interested in the question? Is the object of the controversy on your side to condemn and put down Douglas at all hazards—fairly, in the argument, if you can, but condemn him, any way, if you must? Do you suppose it possible, that I, with my antecedents, with all my political and southern instincts, could sustain this theory of "non-intervention" if I believed for a moment that it was that pitfall to ensnare the South that you describe it, and embodied the Hibernian idea of reciprocity and fairness of "heads I win, tails you lose?" You do not. You have done full justice to the sincerity of my motives. I honestly believe, not only that this doctrine was devised for the benefit of slavery, and to rescue the South from its utterly hopeless condition in reference to slavery expansion under the then recognized doctrine of Congressional sovereignty, but also, that it is the very best ground that could have been chosen upon which to plant southern rights and slavery extension prospects. In the one case, we were hopelessly cut off from every avenue of approach to a new Territory with slaves—in the other, any and every Territory is freely open to us where we have the slaves with which to colonize it, and where that kind of labor is profitable; and, surely, we do not want territory that we are unable to stock with slave labor, and where it would not pay, if we had it. Your attack upon the climatic law, hereafter. Now, my friend, I hasten to reply to your last letter, mainly because you have therein furnished me a clue to a passage of Congressional history, which, in my judgment, is conclusive against your whole argument. You tell me that during the Kansas-Nebraska debate in the Senate the Black Republicans labored to engraft "this power in the Territories to prohibit slavery" upon that bill. The Abolition Senator from Ohio, Mr. Chase, led the attempt by offering the following amendment:

"Under which the people of a Territory, through their appropriate Representatives, may, if they see fit, *prohibit* the extension of slavery therein."

This amendment, you triumphantly tell me, "expresses precisely the construction of the Kansas act, for which Judge Douglas and you (!) now contend." Now, my friend, mark the unfairness of a one-sided view of a question. You have only told *one-half* of the story of this Congressional episode. You have admitted that on this occasion Judge Douglas was with the South against this Abolition prohibition, and you prove it by his vote. But you imagine that you find here an argument to sustain your foregone conclusion that Douglas has changed his ground, and is now covertly enforcing a construction which he then rejected. Now, the whole story must be told, in order to comprehend his opinions and actions on that occasion. I am going to complete this history from the record, and prove to you that Douglas stands to-day precisely where he did then—that he was honestly, frankly, and faithfully laboring to drive this agitation out of Congress, and of remitting it to the localities interested in it; and what is more, that there is no earthly doubt that the southern Senators, participating in this debate, if not deaf or blind, must have understood him to mean by "non-intervention" *then*, exactly what he tells us he means *now*. To the history: This amendment of Chase was offered on the 14th of February, 1854. The first "masculine fact" is, that we find Mr. Douglas voting with the South against this prohibitory amendment. Well, if the object of his Kansas-Nebraska bill was, as his enemies now allege, to exclude slavery from all the Territories, here was an opening to show it by his vote. With this vote before your eyes, I marvel that you ever got the consent of your reason to pen the following paragraph:

"Now, then, Mr. Forsyth, here is a 'masculine fact' for you. It appears that the Black Republicans alone maintained in the Senate of the United States the construction of the Nebraska bill which you and Judge Douglas now force upon it, and that every southern and every Democratic Senator opposed it."

Why, the answer is, that Judge Douglas voted with "every southern and every Democratic Senator" *against* the "Black Republican construction" of non-intervention! That the Black Republicans desired and earnestly labored to give the bill the one-sided interpretation, which you so pertinaciously and unjustly attribute to Douglas, is the historical truth; but it is equally true that Douglas labored as hard, and with final and complete success, to defeat this attempt. Isn't it hard that you charge Douglas with doing that very thing which it was his object, on this occasion, to prevent; and which, by his energy and patriotism, he did prevent? Let us see what became of this Chase amendment. Mr. Pratt, of Maryland, in order to test the sincerity of Chase, who came with this specious proposition to exclude slavery under the guise of leaving it to the people, offered to amend the amendment by inserting after the word "prohibit," the words "or introduce," so that the people of the Territories should have power either to introduce or prohibit slavery, as they might think proper. Here was a naked proposition of "popular sovereignty"—here was absolute "non-intervention" by Congress; and while the amendment

never came to a vote, for Chase would not accept it, it is remarkable that no Senator from the South took exception to it. Chase objected to it, and was driven from behind his *ruse* to declare, "with my views of the Constitution, I cannot vote for it. I do not believe that a Territorial Legislature, though it may have the power to protect the people against slavery, is constitutionally competent to introduce it." So, then, we find Mr. Douglas acting with the southern men in resisting the Abolition graft of prohibition on the great bill of 1854, and agreeing with the latter to leave the question to the Territories, provided they were granted the power to "introduce" as well as to "prohibit."

To show how clear and outspoken Mr. Douglas was in the whole debate, I cannot refrain from quoting a long passage for his speech in answer to Chase, on this very question:

"Now, sir, is there any doubt about this bill? The sixth section provides that the legislative powers of the Territory shall extend "to all rightful subjects of legislation consistent with the Constitution of the United States." It does not except slavery; it excepts no question pertaining to slavery, but applies to "all rightful subjects of legislation consistent with the Constitution of the United States." Then, in the fourteenth section, as it now stands, we declare the object to be not to legislate slavery into the Territories, nor out of the Territories, but "to leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Is there any thing equivocal there? The Senator wants to know why, instead of saying that you leave them free to form "their domestic institutions," you do not say that you leave them free to regulate "that question?" Would that change it? Is it not hypercritical? Is there a man in America who doubts but that such language as leaving them free to regulate their domestic institutions in their own way, includes the question of slavery? No man can doubt that!"

Now, I want to know how any southern Senator could have listened to this language and misunderstood it. Was there any "doubt about this bill?" Was there any ambiguity in the language of Douglas? I understood it then, as I do now, and supposed we all did at the South.

But there is stronger evidence yet of the "true intent and meaning" of that bill, and of the cotemporaneous understanding of Senators as to such "meaning and intent" in the records of this same debate. This evidence is to be found in the famous "Badger amendment," which was carried by the mass of southern Senators immediately after the above amendment was voted down. This amendment, Mr. Samford, was proposed by Senator Badger, of North Carolina, to test the very point now in controversy between you and myself. His brief preface shows this beyond dispute, and I quote it as irrefutable proof that southern Senators had the whole point now in dispute before them, voted with their eyes wide open to the *doctrine of absolute non-intervention and all its logical consequences.*

Mr. Badger said:

"I offer it (this amendment) for this purpose: I have supposed, as I have stated, that the provision of the bill, as it stands, is *truly and strictly a non-intervention proposition*; which, if adopted as it stands, will leave these Territories *without* any *law on the subject at all*, and will leave the inhabitants of the Territories *to select their own law*. But, sir, as some doubts seem to be entertained by some gentlemen on this subject, and as I certainly do not wish, and as I am very sure that none of my southern friends wish, that a law should be passed, which, *directly* or *indirectly*, by the *power of Congress, should establish* slavery in a Territory; and, as *we want* (speaking of the southern Senators) this proposition *to be, exactly what we take it to be* as it stands, I will submit to the Senate this proviso, which must remove all possible difficulty, either *real* or *imaginary*, upon the subject: *Provided*, That nothing contained herein shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Now, sir, the record shows that this proviso, prefaced as it was, immediately passed by a vote of 35 yeas to 6 nays. What did it mean? Could it have been declared in language more explicit and unambiguous, that we southern Senators are honest and earnest in our wishes to expel this question from Congress, and leave it to the people of the Territories?—that in legislating to this end, we wish neither to deceive nor to be deceived, to cheat nor to be cheated, and for the purpose of showing our perfect sincerity, and of giving fair play and full sway to the new principle of non-intervention and of the right of the people of the Territories to dispose of this question as they please, we magnanimously came forward with the Badger proviso, and offer to annul all laws or regulations (the old Spanish or French laws) which may by possibility be in existence to conflict with the new principle and the free will of the people of the Territories? Now, mark, that this proviso passed without debate, and without a syllable of objection from the South; and among the southern Senators who voted for it were Clay and Fitzpatrick, of our State, Butler and Evans, of South Carolina, Hunter and Mason, of Virginia, and Slidell and Benjamin, of Louisiana. And yet we have lately seen Mr. Clay, in public speech at Huntsville, declaring that he would not vote for Douglas even if he were nominated by the Charleston Convention, and thereby threaten to separate himself from the Democratic party, *because Douglas is now opposed to calling upon Congress to enact protecting slavery laws over the very Territory which he voted to free and exempt from protecting slavery laws then supposed to be in existence!* Now, I want to know in the name of common sense what do gentlemen mean by this course of conduct? Mr. Clay tells us frankly that if southern members of Congress *did* in effect pledge the South to this kind of non-interven-

tion, they either lacked the sense that a southern Representative ought to possess, or they betrayed the rights of the people, but that in either event, the South is not bound by any such legislation which surrenders their constitutional rights. These are questions that those who took part in this legislation must settle with their own consciences and their constituents. As one of the latter, I say that I do feel bound by their acts, and that their acts were wise and beneficial to the South, whether they sprang from ignorance or infidelity to their people and their trusts. If they do not know what they were about, they blundered most fortunately for slavery, for they rescued it from the jaws of Freesoil congressional sovereignty.

In answer to your extracts from Alabama Democratic platforms touching the "protection of southern property," and the right of a slaveholder like that of any other property-holder to move into a common territory with his chattels, I reply that the Kansas-Nebraska bill makes no distinction as to property, and the territorial legislature has the same and no more power over slave property than it has over any other kind of property—and as to the right to go there, you have the same right to enter with your negroes as the northern man has with his "notions." Whether you think proper to exercise that right or not would depend on the same principle which would govern a Boston trader in deciding whether it was proper to carry an invoice of skates to Siam where ice is not known, or of warming pans to the West India islands. I know that you will say that this is a cheat and a subterfuge—and that indirectly you are thus denied equality of rights in the Territories; that you are told you *may* go where we know your interests will prevent you from going there. Well, whose fault is it, and how can the evil be remedied? The Yankee may keep his skates and his warming pans in the tropics until they rust, but will he complain that the King of Siam or the Captain General of Cuba will not enact ice and cold by law? You talk about "equality" in the Territories. That is not what you ask—you have got that, but you ask special and superior privileges for your property—you ask that you and three or four of your slaves may go to a Territory and overrule the wishes of fifty thousand people who differ with you as to the policy of allowing slavery as a local institution. And now for the "climatic line," which excites both your mirth and scorn. I know there is no arbitrary isothermal boundary-line between slave and free labor, and that it will shift from North to South within certain limits, according to circumstances; but I can tell you, that line will tend pretty far southwards, until we increase our stock of African slave labor. Increase the supply, and make it cheap enough to come into competition with European emigrant labor, and the line will rise to the southern verge of the cereal regions. But, my friend, I hope you will allow Nature to have a voice in the physical constitution of the negro. I suppose that God made *that*, if he did not make the isothermal line. The "sun and clouds" *did* settle in council that the black race cannot live and thrive in cold latitudes, and when you tell me that slavery has existed in all latitudes all round the globe, you forget to remember, or you remembered to forget that it was *white*, and not *negro* slavery. Black slavery could not exist in Russia, yet Russia is a nation of slaves. You are equally facetious and forgetful of your argument when you remind me that climate did not save negro slavery in British West Indies against the fanaticism of Wilberforce, Clarkson, Stowell & Co. No, sir, climate had no chance against parliamentary sovereignty wielded by freesoil legislators, and when you invoke that same sort of sovereignty in America, I shall have to put on black and "beat" with you "funeral marches to the grave" of all hopes of slavery extension on the North American Continent. You and "intervention" will have buried these hopes so deep, that the hand of resurrection will not be able to reach them. I am for giving *climate* and the *interests* of those who live in regions suitable for negro slavery a chance to settle this question for themselves, to our liking and according to our views and policy. You are for going to the Wilberforces in our Washington Parliament, when you know beforehand the certain result will be that they will lock the door of the Territories against us and hide the key from our search for all time to come. You don't see any difference between Wilmotism or Black Republicanism and "Squatterism," so far as climate is concerned. I see a vast difference. The one shuts us out of *all climate*, the other says "come in wherever you have got the negroes to spare, and their labor will pay."

My friend, you are on a fruitless hunt—you are following a cold and barren scent—you are "barking up the wrong tree" after a pure abstraction. Theory is beautiful oftentimes to the contemplative mind—but your theory of Congressional protection of slavery in the Territories is a myth—an Egeria that will forever elude your grasp and be invisible, intangible and unreal. You cannot "very down the bright moon from the skies." Then use its benignant light to guide our footsteps in the paths which practical common-sense and sound policy point out. OUR TRUE POLICY IS ABSOLUTE NON-INTERVENTION.

Your friend and fellow-citizen,

JOHN FORSYTH.

To Wm. F. Samford, Esq.

MOBILE, *October* 19, 1859.

Who is the man, Stephen A. Douglas, against whom the cry has gone out from leading southern politicians and presses, "crucify him, crucify him!" He is a man, I answer, who has been the firm and unwavering ally of the State Rights Democracy ever since he made his *debut* as an American statesman.

He was the friend and advocate of the annexation of Texas.

He was the friend and advocate of the Free Trade Tariff of 1846.

He was the friend and advocate of the law of 1851, for the rendition of slaves.

He was the first northern member of Congress to denounce the Wilmot Proviso as an unconstitutional outrage upon the rights of the South.

He was the defender of Brooks against the abolition howl raised against him on account of his attack upon the libellous Senator Sumner, of Massachusetts.

He was the friend and the instrument of the repeal of the Missouri line, restricting slavery by law of Congress to geographical limits.

He was the enemy of the Lecompton constitution on the express ground that it was the work of naked squatter sovereignty, and violated the whole spirit of the Kansas-Nebraska legislation, which had been based upon a solemn compact between the North and the South.

He is the man who, after the States Rights men of the South (you and I among them) had been overwhelmed by the popular vote of the southern States, agreeing to acquiesce in the Compromise of 1850, magnanimously interposed to ward off from us in defeat, a blow which the Union-shriekers of that day, flushed with triumph, had prepared for us. Do you remember the "mutual assurance" association, started in the Congress of 1851—the "round robin" signed by the Cobbs and Houstons, the Footes and Clemens of that era, the object of which was to ostracise and banish from all places of honor and trust the gallant Soulés and Hunters, the Davises and Butlers of the South, who had resisted that Compromise? If you do, and I know you have not forgotten it, I remind you that it was Stephen A. Douglas who broke up that vile and cowardly scheme of persecution against the true men and fast friends of the South.

He is the man who, in his own words, could at one time have travelled from Washington to his home in Illinois, passing through the whole West, by the light of his own burning effigies; those fires being kindled to signalize Abolition detestation of him as a "traitor to the North," because he had defended the rights of the South.

He is the man who has achieved the most wonderful victory that history records of truth, eloquently and bravely championed, over the passions and prejudices of an infuriated mob, and that victory he achieved in defence of the South.

Allow me to recall the history of this occurrence, for it deserves to be remembered, and if justice were done, it would be embalmed in every southern heart and cherished there, until the obligation of gratitude so nobly his due, could be repaid otherwise than by the cry of "crucify him!" It was after the passage of the celebrated Compromise bills of 1850. Among these was a Fugitive Slave act, and this had excited the fiercest opposition and denunciation at the North. At the close of that session, Judge Douglas was taken ill, was confined to his bed for several weeks, and was finally removed, under the care of one of his Illinois colleagues, to his residence at Chicago. Everywhere on the route he encountered the most boisterous hostility to the fugitive law, and nowhere was the excitement so fierce and terrific as at Chicago. The press and the pulpit had joined in the work of denunciation, and of exasperating the popular feeling. The Common Council of the city, acting officially, had passed resolutions denouncing the Fugitive Slave Law as a violation of the law of God and the Constitution of the United States, calling upon the police to disregard it, and the citizens not to obey it. The next night a meeting of two thousand people assembled, and in that meeting, and with frantic applause, it was determined to defy "death, the dungeon, and the grave," in resistance to the execution of the law.

Judge Douglas went to the meeting. With great difficulty he reached the stand, through a dense and hostile crowd, interspersed with excited and armed free negroes. He attempted to address the tumultuous assemblage—his voice was drowned in its hootings and maledictions, ("crucify him," was the cry.) After long and persevering efforts he was enabled to say to the body of men there assembled, that he was present to defend the measures of the Compromise, and especially the fugitive slave law, from each and every objection urged against it. "Meet me here to-morrow night," said he, "and I call upon the people of the entire city to come, and I will do this. In the face of your denunciations and threats, I tell you that in this matter I am right and you are wrong, and if you will come and hear me I will prove it to you."

The next night, in the presence of four thousand people, in the immense hall, with the city Council and Abolitionists occupying positions fronting the stand, which was partially surrounded by a large body of armed negroes, including many fugitive slaves, this man,

even more "giant" in his moral daring than in his intellectual strength, stood up to defend the South and to confront its enemies, glaring and scowling upon him to the number of thousands. He spoke. In that speech he assumed all the responsibility of an affirmative vote for the law; he vindicated the law in respect to its constitutionality and its necessity. He defended it as a whole and in all its parts, and answered every objection that was urged against it, whether they related to the right of trial by jury, to the writ of habeas corpus, to the fees of the commissioners, to the pains and penalties of the "higher law"—every objection which the ingenuity and fanaticism of abolitionism could invent, was fully and conclusively answered in this brave and masterly speech. What was the result? It was the most remarkable triumph ever achieved by an orator over the passions of a multitude. That meeting, composed of three-fourths of the legal voters of Chicago, a majority of whom had the night previously pledged themselves to open and violent resistance, after the speech unanimously adopted a series of resolutions in favor of sustaining and carrying into effect every provision of the constitution and laws in respect to the surrender of fugitive slaves, and in repudiation of the resolutions of the Chicago Common Council.

The same night the city Council met and repealed the nullifying resolution by a vote of twelve to one.

Now, sir, do you not think this "traitor Douglas" deserves to be crucified? Do you not think that it is just as good for the South to have Seward President as this "traitor Douglas?" Nay, have not those grateful and generous southern men who have sworn they would not vote for him even if he were nominated by a two-thirds vote in the Charleston convention, uttered their anathemas wisely and well against this "traitor Douglas?" What is a whole life of consistent friendship for, sympathy with, and devotion to the South? What are the mortifications of being burnt and hung in effigy from Boston to to the lakes and plains by his own people for standing by *our* people? It all goes for nothing, weighs nothing, and counts nothing; a sponge is passed over the credit side of his slate, and because he now differs with some of us on an abstruse point of Constitutional Theory as to the dividing line between Congressional and local authority, he has committed the "unpardonable sin," and the multitude of politicians, as fierce, and with as little reason, as the Chicago mob, cry out "away with him, crucify him!" I appeal from this outrageous sentence to the justice of the southern people.

I am your friend and fellow-citizen,

JOHN FORSYTH.

Printed by Lemuel Towers.